REMARKS

The application includes claims 13-18, 20, 21, 38-40, 42-44, and 50-57 prior to entering this amendment.

The examiner withdrew claims 52 and 56 from consideration as directed to a non-elected invention.

The examiner rejected claims 13-18, 20, 21, 38-40, 42-44, 50, 51, 53-55, and 57 under 35 U.S.C. § 103(a) as being unpatentable over the applicants' admitted prior art (AAPA) in view of Rate Control for Robust Video Transmission Over Burst-Error Wireless Channels (Hsu) and Lee et al. (U.S. Patent 6,351, 491).

The applicants amend claims 13, 18, 20, 21, 38, 39, 42, 44, 51, 55, and 57, and cancel claims 52 and 56 without prejudice.

The application remains with claims 13-18, 20, 21, 38-40, 42-44, 50, 51, 53-55, and 57 after entering this amendment.

The applicants do not add new matter.

Drawings

The applicants replace figures 2 and 6 with the attached replacement figures 2 and 6 to correct an inadvertent error noted by the examiner in the office action dated 9/25/2007. The applicants attach annotated sheets showing the changes made at the end of this amendment.

Claim Rejections Under § 103

The examiner rejected claims 13-18, 20, 21, 38-40, 42-44, 50, 51, 53-55, and 57 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Hsu and Lee. The applicants traverse the rejections for the reasons that follow.

Claim 13 recites *incorporating the plurality of output bitstreams into a video block comprising a header, an input video segment, and at least one video segment associated with at least one of the output bitstreams.* Claim 38 recites *a formatter module to incorporate the plurality of output bitstreams into a video block comprising a header, an input video segment, and at least one video segment associated with at least one of the output bitstreams.* The examiner acknowledged that neither the AAPA nor Hsu disclosed the previously recited *incorporating* but indicated that Lee disclosed the missing language. According to the examiner,

Lee discloses "a method of multiscale encoding in which a plurality of outputted data elements, quantized with a plurality of quantization scale factors, are incorporated into a 'video block.'"[1] Lee actually discloses a method and apparatus that recursively optimizes the rate control, e.g., by adjusting the quantizer scale for each layer of a hierarchical subband coding system that may offer spatial, quality and/or complexity scalabilities.[2] In Lee, "a bitstream 600 with N layers of SNR or quality scalability... is constructed such that the information representing different qualities 612-642 of an input image corresponds to different portions 610-640 of the bitstream 600. In this fashion, if a decoder needs to obtain a particular quality 612 of the input image, then the decoder simply decodes the corresponding portion 610 of the bitstream. Thus, if a decoder needs to obtain higher qualities of the input image, the decoder simply decodes the relevant portions of the bitstream as needed."[3] Lee's figure 6 is instructive.
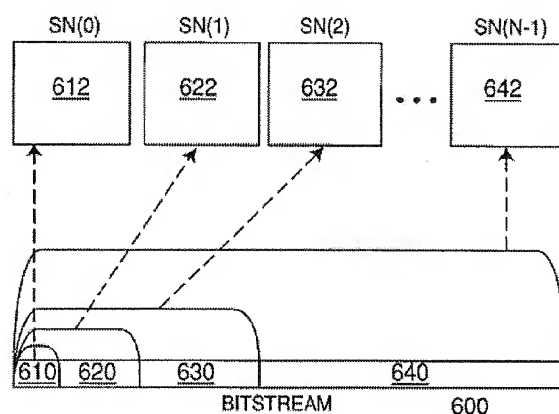

FIG. 6

Thus, while Lee's bitstream 600 includes N layers of SNR or quality scalability 612, 622, 632, and 642, it does not disclose a video block comprising *a video block comprising a header, an input video segment, and at least one video segment associated with at least one of the output bitstreams* as recited in the claim. In rejecting the now canceled claim 18, the examiner indicated that the AAPA and Hsu both disclosed "compliance with MPEG and/or H.263 standards."[4] But it is Lee that the examiner points to as disclosing the recited *incorporating* so it must be Lee that discloses that its bitstream 600 includes the recited language. Lee, however,

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[1] Office action dated 6/24/2008, pages 3 and 4.
[2] Lee, column 3, lines 26-37.
[3] Lee, column 5, lines 51-61.

points out that although "the MPEG standards specify a general coding methodology and syntax for generating an MPEG compliant bitstream, many variations are permitted to accommodate a plurality of different applications and services…. In the area of rate control, MPEG does not define a specific method for controlling the bit rate of an encoder. It is the task of the encoder designer to devise a rate control process for controlling the bit rate such that the decoder input buffer neither overflows nor underflows."[5] It appears, therefore, that Lee considered the standards and designed its bitstream 600 as only including N layers of SNR or quality scalability 612, 622, 632, and 642 as shown in Figure 6.

Moreover, claim 13 recites *selecting the at least one video segment responsive to bit rate demands of other concurrent output streams*. Claim 38 recites *a switch module to select the at least one video segment responsive to bit rate demands of other concurrent output streams*.

In rejecting the now canceled claim 51, the examiner indicated that Lee disclosed "selecting and outputting video segments that correspond to various bit rates."[6] Lee discloses no such thing. As the applicants expressed above, Lee discloses a bitstream 600 including N layers of SNR or quality scalability 612, 622, 632, and 642. Lee does not disclose selecting and outputting "video segments that correspond to various bit rates" as the examiner alleged. Further, none of the AAPA, Hsu, or Lee discloses the recited *selecting… responsive to bit rate demands of other concurrent output streams*.

The applicants amend claim 18 to recite *interleaving transport packets of the selected at least one video segment with transport packets of the other concurrent output streams* and claim 51 to recite *transmitting the interleaved transport packets of the selected at least one video segment with the transport packets of the other concurrent output streams to a buffer for outputting to a channel at a constant bit rate*. Claims 42 and 55, respectively, include similar language. None of the AAPA, Hsu, or Lee discloses the recited language.

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[4] Office action dated 6/24/2008, page 4.
[5] Lee, column 1, lines 26-36.
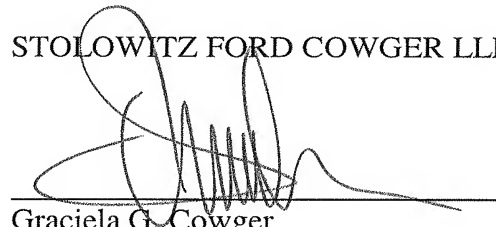[6] Office action dated 6/24/2008, page 5.

Conclusion

The applicants request reconsideration and allowance of claims 13-18, 20, 21, 38-40, 42-44, 50, 51, 53-55, and 57. The applicants encourage the examiner to call if an interview would further prosecution.

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Respectfully submitted,

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